

### REMARKS/ARGUMENTS

The invention is an improvement that corrects a major anatomical deficiency of conventional acoustical guitars, namely, the pressure on the breast of a player, particularly, a woman, when the guitar is pressed against the chest. As more fully discussed in the specification, the pressure commonly applied to the breast leads to many serious problems. These problems include improper posture and an inability to sing properly because of the improper posture.

As distinguished from the objective of the invention, the Little patent, the primary reference relied on by the Examiner, is not concerned with accommodating the anatomical needs of an acoustical guitar player. Instead, the patent is focused on an ergonomical design which changes the approach of the player's hand with the objective of preventing repetitive strain injuries.

Claim 7 defines the invention as being a breast-receiving recess in a portion of the back surface adjacent the upper side surface in position to relieve pressure on the breast of a player when the guitar is pressed to the chest. Contrary to the Examiner's comments concerning Little, the fact is that the patent fails to disclose anything remotely similar to the claimed construction. The back surface of the Little guitar is shown in Fig. 3 and described in column 4, lines 8 and 9, as being concave. This concave surface does not have a recess in a portion thereof which would relieve pressure on the breast of a player.

Claim 2 depends from claim 7 and more specifically defines the recess as being a molded piece inserted in the guitar. The rejection of this claim as being unpatentable over Little in view of Wechter is untenable. Wechter discloses only a removable tail

block assembly. The tail block assembly is not breast conforming and is not located in a portion of the back surface adjacent the upper side of the guitar when it is held in playing position. Wechter in no way suggests a construction which could be logically combined with Little to meet the terms of claim 2. This is particularly true in light of the fact that Little does not disclose a breast-accommodating recess of any type. The rejection of claim 2 on Little and Wechter is a classic example of combining references in light of an applicant's disclosure rather than what is taught by the references themselves.

Claim 3 defines the recess of claim 7 as being a hole. No such hole is disclosed by either Little or Wechter. If the Examiner disagrees, he is respectfully requested to specifically point out the claimed hole in the guitars of either patent.

Claim 4 defines the insert of claim 2 as being molded to a specific breast size of a user of the guitar. Claim 4 was rejected on Little in view of Wechter and further in view of Green. Green is concerned with an adjustable cup bra. It is submitted that Green would not suggest to any reasonable person having ordinary skill in the guitar art the concept providing a breast-conforming cup for insertion in the back of an acoustical guitar to relieve pressure on the breast of a guitar player. The Green reference is from a completely unrelated art and is not properly combinable with Little and Wechter.

The rejection of method claim 5 on Little in view of Wechter is untenable for the same reasons urged above in connection with claims 2 and 7. Little does not suggest a breast-accommodating recess in the back of a guitar adjacent its upper side when held in playing position. Wechter merely discloses a hole in the end of a guitar for receiving a removable tail block assembly. Thus, the patents, whether considered

Appl. No. 10/786,784  
Amdt. Dated August 22, 2005  
Reply to Office action of May 23, 2005

singly or in combination, do not teach the method of claim 5. Applicant again submits that the Examiner has improperly combined the references in light of applicant's own disclosure rather in view of what is fairly taught by the references.

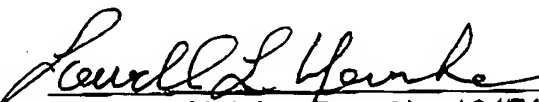
Claim 6 depends from claim 5 and more specifically calls for the step of shaping the insert to fit the breast of a female player. As pointed out above in connection with the rejection of claim 4, the Green patent is from an unrelated art and is not properly combinable with Little and Wechter. Green simply would not suggest to one having ordinary skill in the art the idea of molding an insert to the shape of a specific user and placing that insert in the back of a guitar in position to receive the breast of a person using the guitar.

It is submitted that the claims under consideration are patentable for the reasons given and should be allowed.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. JOUR-36085US1.

Respectfully submitted,

PEARNE & GORDON LLP

By:   
Lowell L. Heinke, Reg. No. 19471

1801 East 9th Street, Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: August 23, 2005